

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF IOWA
EASTERN DIVISION**

DAVID GOINGS, LEWINE
BOUCHER-GOINGS, and JUANITA
GOINGS,

Plaintiffs,

vs.

CHICKASAW COUNTY; MARTIN
LARSEN, Individually and in his official
capacity; TODD MILLER, individually
and in his official capacity; and CITY
OF NASHUA,

Defendants.

No. C06-2063

**RULING ON MOTION TO STAY
DISCOVERY**

This matter comes before the Court on the Motion to Stay Discovery (docket number 56) filed by Defendants Chickasaw County, Martin Larsen, and Todd Miller ("County Defendants") on September 27, 2007. On July 2, 2007, the County Defendants filed a Motion for Summary Judgment (docket number 34), requesting that Plaintiffs' Complaint be summarily dismissed, arguing, among other things, that the individual County Defendants have qualified immunity. The County Defendants request that discovery be stayed pending the Court's ruling on their Motion for Summary Judgment. According to the Motion, all counsel consent to an order staying discovery.

"Qualified immunity protects government officials from the costs of trial *and the burdens of broad discovery* unless their discretionary acts violated clearly established statutory or constitutional rights." *Wilson v. Northcutt*, 441 F.3d 586, 590 (8th Cir. 2006)

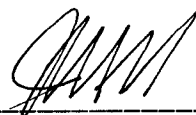
(emphasis added) (citing *Harlow v. Fitzgerald*, 457 U.S. 800, 817-18 (1982)). *See also Crawford-El v. Britton*, 523 U.S. 574, 597-598 (1998) (holding that when the Court addresses a claim of qualified immunity, “[i]t must exercise its discretion so that officials are not subjected to unnecessary and burdensome discovery or trial proceedings.”).

In this case, the parties apparently agree that all discovery should be stayed pending the Court’s ruling on the Motion for Summary Judgment filed by the County Defendants on July 2, 2007. The Court finds that the Motion should be granted. The parties are reminded, however, that the discovery deadline is December 17, 2007. If, after the Court rules on the County Defendants’ Motion for Summary Judgment, the parties believe that an extension of the discovery deadline is required, then they should promptly file an appropriate application with the Court.

ORDER

IT IS THEREFORE ORDERED that the Motion to Stay Discovery (docket number 56) filed on September 27, 2007, is hereby **GRANTED**. Discovery shall be stayed pending the Court’s ruling on the Motion for Summary Judgment filed by the County Defendants. This Order does not, however, extend the discovery deadline of December 17, 2007.

DATED this 28th day of September, 2007.



JON STUART SCOLES
United States Magistrate Judge
NORTHERN DISTRICT OF IOWA